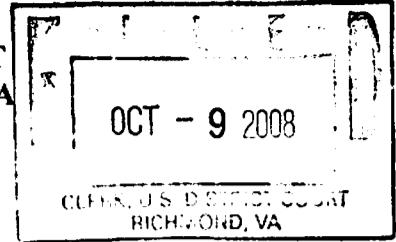


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



CLAUDE ROSE,

Petitioner,

v.

Civil Action No. 3:08cv582

UNKNOWN,

Respondent.

MEMORANDUM OPINION

Petitioner, a federal prisoner proceeding *pro se*, submitted a Motion for an Emergency Habeas Petition with a Stay of Deportation. He also seeks leave to proceed without payment of the statutory filing fee. *See* 28 U.S.C. § 1914(a) (requiring five dollar (\$5.00) filing fee for all habeas petitions); 28 U.S.C. § 1915 (permitting a court to approve *in forma pauperis* status for litigant). On September 11, 2008, this action was conditionally filed. Petitioner was mailed a copy of the order of conditional filing, which required him to file the appropriate forms within eleven (11) days or face dismissal. On September 19, 2008, the Court received an inmate account report from Riverside Regional Jail, Petitioner's address of record. The account report indicates that Petitioner was transferred to federal custody on September 4, 2008. On September 25, 2008, the Court's September 11, 2008 Order and the accompanying forms were returned as undeliverable. The envelope indicates that Petitioner has been released.

Petitioner has not provided the Court with a current address. Petitioner's failure to do so indicates his lack of interest in prosecuting the present action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

Let the Clerk of the Court send a copy of the Memorandum Opinion and accompanying Order to Petitioner.

And it is so ORDERED.

/s/
Richard L. Williams
United States District Judge

SENIOR UNITED STATES DISTRICT JUDGE

Date: 10/09/08
Richmond, Virginia